

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, OCTOBER 16, 2000
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Table of Contents

CHRONOLOGY OF THE MEETING	5
ATTENDANCE DURING THE MEETING:	5
ITEM-1: ROLL CALL	6
ITEM-10: INVOCATION	6
ITEM-20: PLEDGE OF ALLEGIANCE	6
NON-AGENDA COMMENT:	6
COUNCIL COMMENT:	8
ITEM-30: Approval of Council Minutes.	9
ITEM-31: San Diego Disability Awareness Month.	9
* ITEM-50: Amending the Permanent Rules of the City Council to Add the Select Committee on Government Efficiency and Fiscal Reform as a Subcommittee to the Committee on Rules, Finance and Intergovernmental Relations.	10
* ITEM-51: Amendments to the Municipal Code regarding Graffiti Abatement.	11
* ITEM-52: University City Village Rezoning	12
* ITEM-53: San Diego Spectrum	13
* ITEM-54: Amending FY2001 Capital Improvements Program Budget - Bayview Terrace Elementary School - Joint Use Facility.	14

* ITEM-55:	City of San Diego/MTDB Authority Lease Revenue Bonds (1994 Refundings).	15
* ITEM-56:	Temporary Street Closures.	16
* ITEM-57:	Naval Training Center Land Use Entitlements.	16
* ITEM-58:	Lease and Joint Use Agreement for Sage Canyon Elementary School and Carmel Valley Neighborhood #10 Park.	18
* ITEM-100:	Approving the Plans and Specifications and Inviting Bids for the Construction of Dale Street Storm Drain.	19
* ITEM-101:	Inviting Bids for the As-Needed Construction of Minor Street Improvements at Various Locations - Contract 2	21
* ITEM-102:	Removal of Architectural Barriers for the Disabled - Rejecting Bids and Readvertising Contract 42.	22
* ITEM-103:	Approving the Plans and Specifications and Inviting Bids for the Construction of Sidewalk and Curb / Gutter Replacement City Wide - "C-18".	24
* ITEM-104:	Approving the Plans and Specifications and Inviting Bids for the Construction of Prestwick Court Storm Drain Replacement.	25
* ITEM-105:	<u>Two</u> actions related to the Final Subdivision Map of Crown Bay.	27
* ITEM-106:	Torrey Hills Unit No. 9 Final Map.	28
* ITEM-107:	<u>Two</u> actions related to the Final Subdivision Map of Torrey Hills Unit No. 9A.	29
* ITEM-108:	Settlement of Claim Regarding Carmel Mountain Conservancy	31
* ITEM-109:	Permit - North San Diego County Transit Development Board.	32
* ITEM-110:	Automatic Aid Agreement with Marine Corps Air Station Miramar (MCAS Miramar).	33

* ITEM-111:	Academy of Our Lady of Peace Day	34
* ITEM-112:	Appointment of Councilmember Phil Blair.	35
* ITEM-113:	Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico..	38
* ITEM-114:	Memorandum of Agreement, Airports Division/Fire and Life Safety Services.	36
* ITEM-115:	Development in Mission Bay Park	38
ITEM-150:	Police Regulated Ordinances Regarding Peep Shows and Nude Entertainment Establishments.	39
ITEM-151:	Clean Syringe Exchange Program.	43
ITEM-152:	Funding for Coastal Infrastructure and Facilities Project.	45
ITEM-153:	Mission Beach Boardwalk Encroachments.	47
ITEM-200:	Approving the Plans and Specifications and Inviting Bids for the Construction of Water Department Central Facility - Phase A and B.	49
ITEM-201:	Approving the Plans and Specifications and Inviting Bids for South Metro Interceptor 84" Downtown Tunnel Rehabilitation.	51
ITEM-202:	Approving the Plans and Specifications and Inviting Bids for Plastic Service Replacement Group 519.	53
ITEM-203:	Approving the Plans and Specifications and Inviting Bids for the Construction of Telemetry Control Systems - SCADA - Phase IIb (Contract #4).	55
ITEM-204:	Angle Parking on Irving Avenue.	56
ITEM-205:	State Water Resources Control Board - Local Match Authorization.	57
ITEM-206:	<u>Two</u> actions related to the Formation of Proposed City of San Diego Community Facilities District No. 4 (Black Mountain Ranch Villages).	59

ITEM-207: Various Underground Utility Districts with Mitigation Monitoring Reporting Program.	60
ITEM-250: Notice of Completion and Acceptance of Subdivision Improvement Agreement.	62
NON-DOCKET ITEMS:	62
ADJOURNMENT:	63

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Mathis at 2:10 p.m. Mayor Golding recessed the meeting at 4:39 p.m. for a 10-minute break. Mayor Golding reconvened the meeting at 4:48 p.m. with Council Member Stevens not present. Mayor Golding adjourned the meeting at 6:38 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-not present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-Excused by R-294109, due to City and
Personal Business in Washington D.C.
- (5) Council Member Blair-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present
- Clerk-Abdelnour (rl)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-not present
- (5) Council Member Blair-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

ITEM-10: INVOCATION

Invocation was given by Reverend Ned White of Summit Unitarian Universalist Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Blair.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1: **REFERRED TO THE CITY MANAGER**

Comment by Don Stillwell regarding the San Diego Unified School Board Elections that Mayor Golding referred to the City Attorney. Mr. Stillwell requests that the City Attorney and the District Attorney check into the legality of the partnership for student achievement by wealthy men.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A340-383.)

PUBLIC COMMENT-2:

Leo Long commented regarding the De Anza project and disabled children.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A384-461.)

PUBLIC COMMENT-3:

Ellen Rawolle commented regarding air traffic analysis and her opposition of the expansion of Brown field.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A462-533.)

PUBLIC COMMENT-4:

Heather Rawolle commented regarding her opposition to the expansion of Brown Field.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A534-561.)

PUBLIC COMMENT-5:

Al Strohlein commented regarding the Redistricting Commission and beach communities getting representation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A562-B005.)

PUBLIC COMMENT-6:

Sharlene Ornelas commented thanking the Council for understanding disabilities.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B006-022.)

PUBLIC COMMENT-7:

Donald Ray Jr. commented regarding St. Vincent de Paul and his disagreement with its closing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B023-060.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Stallings commented regarding the dedication of Mission Valley Preserve on Saturday, October 21, 2000.

**Minutes of the Council of the City of San Diego
for the Regular Meeting of Monday, October 16, 2000**

Page 9

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B061-124.)

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

9/18/2000
9/19/2000
9/19/2000 Special Joint Meeting
9/25/2000 Adjourned
9/26/2000 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A047-053.)

MOTION BY KEHOE TO APPROVE. Second by Wear. Passed by the following vote:
Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Blair-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-31: San Diego Disability Awareness Month.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-570) ADOPTED AS RESOLUTION R-293945

Commending the City's Community Services Department for their commitment to help make all San Diegans aware of disabilities and specific physical and attitudinal barriers faced by people with disabilities;

Proclaiming October 2000 to be "San Diego Disability Awareness Month" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A054-209.)

MOTION BY KEHOE TO ADOPT WITH DIRECTION FROM MAYOR GOLDING FOR THE CITY MANAGER TO INVESTIGATE THE COST AND FEASIBILITY OF PROVIDING CLOSED CAPTIONING FOR ALL CITY COUNCIL MEETINGS TO ACCOMMODATE THE HEARING IMPAIRED COMMUNITY. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-50: Amending the Permanent Rules of the City Council to Add the Select Committee on Government Efficiency and Fiscal Reform as a Subcommittee to the Committee on Rules, Finance and Intergovernmental Relations.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/2/2000. (Council voted 9-0.):

(O-2000-47) ADOPTED AS ORDINANCE O-18862 (NEW SERIES)

Amending Chapter II, Article 2, Division 1, of the San Diego Municipal Code by amending Section 22.0101 relating to Permanent Rules of the Council, to add the Select Committee on Government Efficiency and Fiscal Reform as a subcommittee to the Committee on Rules, Finance and Intergovernmental Relations.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A258-339.)

CONSENT MOTION BY STALLINGS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-51: Amendments to the Municipal Code regarding Graffiti Abatement.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/2/2000. (Council voted 9-0):

(O-2001-32) ADOPTED AS ORDINANCE O-18863 (NEW SERIES)

Amending Chapter V, Article 4, Division 4 of the San Diego Municipal Code by amending Section 54.0401 through Section 54.0403; amending Section 54.0405; retitling and amending Section 54.0406 to Section 54.0407; amending Section 54.0408; retitling and amending Section 54.0409; amending Section 54.0410; amending Section 54.0413, all relating to Graffiti Abatement:

1) making it illegal to place graffiti art posters or stickers on public or private property; 2) providing abatement authority to remove posters on public property and from the public right-of-way; (3) expanding the areas where graffiti may be abated on private property; (4) amending the City's Spray and Pay program to provide citizen's rewards for reporting graffiti vandalism, whether or not the graffiti causes property damage; (4) allowing the City to recover costs of abating graffiti under certain circumstances; (5) requiring property owners to sign consent forms and liability waivers before the City will enter and abate graffiti on private property; (6) making other minor non-substantive amendments to the current graffiti ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A258-339.)

CONSENT MOTION BY STALLINGS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-52: University City Village Rezoning.

(Case RZ-98-0408. University Community Plan Area. District-1.)

NOTE: The public testimony portion of the hearing is closed.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/3/2000. (Council voted 8-0. Mayor Golding not present.):

(O-2001-57) ADOPTED AS ORDINANCE O-18864 (NEW SERIES)

Rezoning 75 acres located at 4633 Governor Drive, within the University Community Plan Area, from the RS-1-7 zone into the RM-1-2 zone.

FILE LOCATION: PERM 98-0408 (65)

COUNCIL ACTION: (Tape location: A258-339.)

CONSENT MOTION BY STALLINGS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-53: San Diego Spectrum.

(Kearny Mesa Community Plan Area. District-6.)

NOTE: The public testimony portion of the hearing is closed.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 10/3/2000. (Council voted 8-0. Mayor Golding not present.):

Subitem-A: (O-2001-50) ADOPTED AS ORDINANCE O-18865 (NEW SERIES)

Rezoning 10.40 acres and 9.20 acres, located in the Kearny Mesa Community Plan Area from the CA and M-1B zones to the R-1500 zone.

Subitem-B: (O-2001-51) ADOPTED AS ORDINANCE O-18866 (NEW SERIES)

Rezoning 11.90 acres, located in the Kearny Mesa Community Plan Area from the CA zone to the M-1B zone.

Subitem-C: (O-2001-54) ADOPTED AS ORDINANCE O-18867 (NEW SERIES)

Approving the amendment to the New Century Center Development Agreement between the City of San Diego and LNR Kearny Mesa, Inc.

FILE LOCATION: Subitems A,B,C: LAND-KEARNY MESA
COMMUNITY PLAN (10)

COUNCIL ACTION: (Tape location: A258-339.)

CONSENT MOTION BY STALLINGS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-54: Amending FY2001 Capital Improvements Program Budget - Bayview Terrace Elementary School - Joint Use Facility.

(Pacific Beach Community Area. District-6.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/2/2000. (Council voted 9-0):

(O-2001-52) ADOPTED AS ORDINANCE O-18868 (NEW SERIES)

Authorizing the expenditure of \$620,403 for use on Bayview Terrace Elementary School - Joint Use Facility, CIP-29-836.0; and authorizing the City Manager to execute a twenty-five year agreement for the construction, operation, maintenance, and lease of turfed fields and recreation facilities at Bayview Terrace Elementary School site with the San Diego Unified School District of San Diego County, California.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

FILE LOCATION: LEAS-SAN DIEGO UNIFIED SCHOOL
DISTRICT OF SAN DIEGO COUNTY,
CALIFORNIA - BAYVIEW TERRACE
ELEMENTARY SCHOOL

COUNCIL ACTION: (Tape location: A258-339.)

CONSENT MOTION BY STALLINGS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-55: City of San Diego/MTDB Authority Lease Revenue Bonds (1994 Refundings).

(Centre City East and Otay Mesa-Nestor Community Areas. Districts-2 and 8.)

NOTE: The public testimony portion of the hearing is closed.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/2/2000. (Council voted 7-1. Councilmembers Mathis, Wear, Kehoe, Stevens, Blair, Vargas, and Mayor Golding voted yea; Councilmember McCarty voted nay and Councilmember Stallings not present.):

(O-2001-56) ADOPTED AS ORDINANCE O-18869 (NEW SERIES)

Approving the form of and authorizing execution and delivery of a second amendment to lease agreement between the City of San Diego and the City of San Diego/MTDB Authority, certain conveyances by quitclaim deed and approving certain actions in connection therewith.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

FILE LOCATION: LEAS-CITY OF SAN DIEGO/MTDB AUTHORITY

COUNCIL ACTION: (Tape location: A258-339.)

CONSENT MOTION BY STALLINGS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Blair-yea, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-yea.

* ITEM-56: Temporary Street Closures.

CITY COUNCIL'S RECOMMENDATION:

Adopt the ordinance which was introduced on 10/2/2000. (Council voted 8-1. (Councilmembers Mathis, Wear, Kehoe, Stevens, Blair, Stallings, Vargas, and Mayor Golding voted yea. Councilmember McCarty voted nay.):

(O-2001-63) ADOPTED AS ORDINANCE O-18870 (NEW SERIES)

Amending Chapter V, Article 2 of the San Diego Municipal Code by adding a new Division 51, titled "Temporary Street Closures due to Serious and Continual Criminal Activity"; and by adding new Sections 52.5101, 52.5102, 52.5103, 52.5104, 52.5105 and 52.5106, all relating to temporary street closures due to serious and continual criminal activity pursuant to Vehicle Code Section 21101.4.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A258-339.)

CONSENT MOTION BY STALLINGS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Blair-yea, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-yea.

* ITEM-57: Naval Training Center Land Use Entitlements.

(Peninsula Community Plan Area. District-2.)

NOTE: The public testimony portion of the hearing is closed.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 10/3/2000. (Council voted 8-0. Councilmember Stallings not present.):

Subitem-A: (O-2001-59 Cor. Copy) ADOPTED AS ORDINANCE O-18871
(NEW SERIES)

Applying zoning regulations for the RT-1-4, RM-2-5, CR-1-1, OP-1-1, CV-1-1 and CC-5-5 zones, as the zones are defined by San Diego Municipal Code Sections 131.0201, 131.0401, and 131.0501, to approximately 316 acres of unzoned land in the former Naval Training Center, located Northerly of North Harbor Drive, Southerly of Lytton Avenue, Easterly of Rosecrans Avenue and Westerly of San Diego International Airport, in the Peninsula Community Plan Area.

Subitem-B: (O-2001-60 Cor. Copy) ADOPTED AS ORDINANCE O-18872
(NEW SERIES)

Amending Chapter 13, Article 2, Division 4, of the San Diego Municipal Code by amending Section 132.0402 relating to the Peninsula Community Plan.

Subitem-C: (O-2001-61 Cor. Copy) ADOPTED AS ORDINANCE O-18873
(NEW SERIES)

Amending Chapter 13, Article 2, Division 2, of the San Diego Municipal Code relating to the Peninsula Community Plan.

FILE LOCATION: Subitems A,B,C: LAND-NAVAL TRAINING
CENTER (67)

COUNCIL ACTION: (Tape location: A258-339.)

CONSENT MOTION BY STALLINGS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-58: Lease and Joint Use Agreement for Sage Canyon Elementary School and Carmel Valley Neighborhood #10 Park.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2001-66) CONTINUED TO MONDAY, OCTOBER 23, 2000

Introduction of an Ordinance authorizing the City Manager to execute an Agreement for Lease and Maintenance of Joint Use Facilities for Sage Canyon Elementary School and Carmel Valley Neighborhood #10 Park with the Del Mar School District.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

CITY MANAGER'S SUPPORTING INFORMATION:

The Sage Canyon Elementary School Park is located in the Carmel Valley community at Carmel Mountain Road and Harvest Run Drive within the Del Mar Union School District boundaries. The school is sited contiguous with an approximately 6.74 acre neighborhood park. Pursuant to the Council-approved, 1981 North City West Master Schools Facilities Plan, this project entails the joint use of approximately 4.8 acres of City-owned land for recreational and educational purposes. Recreation amenities, as designed with input from a community task force, include a turfed multi-purpose field, hardcourts for basketball, volleyball and other court games, and a 66 space, District-owned parking lot. Additionally, the City will be contributing on a pro bono basis toward the construction and maintenance of the school's sewer pump station which will also serve the adjacent neighborhood park comfort station and drinking fountain. A 50-year endowment fund totaling \$35,000 has been created using funds donated by Pardee Construction Company to cover the City's projected sewer maintenance costs. The school and joint use area are currently under construction and expected to be completed and open for the 2001 school year.

FISCAL IMPACT:

Annual maintenance costs pursuant to the Joint Use Agreement are estimated to be \$34,400. The funding for these costs will be requested as a new Park and Recreation facility in the Fiscal Year 2002 budget process.

Loveland/McLatchy/DVW

FILE LOCATION: NONE.

COUNCIL ACTION: (Tape location: A210-219; A258-339.)

CONSENT MOTION BY STALLINGS TO CONTINUED TO MONDAY, OCTOBER 23, 2000 FOR FURTHER REVIEW. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-100: Approving the Plans and Specifications and Inviting Bids for the Construction of Dale Street Storm Drain.

(Park Northeast Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-422 Cor. Copy) ADOPTED AS RESOLUTION R-293946

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Dale Street Drain on Work Order Nos. 120957 and 119355;

Authorizing the City Manager to execute a contract with the lowest responsible bidder;

Authorizing the City Auditor and Comptroller to transfer \$200,000 from CIP-17-001.0, Annual Allocation - Minor Drain Improvements, Transnet Fund 30300 to CIP-12-144.0, Dale Street Storm Drain - Upas to Thorn Street;

Authorizing the expenditure, not to exceed \$200,000 from CIP-12-144.0, Dale Street Storm Drain - Upas to Thorn Street, TransNet Fund 30300, in addition to funds previously authorized for said project;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID K-01023C)

CITY MANAGER SUPPORTING INFORMATION:

This project will install a storm drain system from Dale Street and Upas Street to a canyon southerly of Thorn Street in the Park Northeast Community Area. An additional amount of \$200,000 is necessary to cover items that were not originally included in the scope of work of the storm drain project. These items of work include inlets, sidewalks, curb and gutter, easement and an extension of pipe from Granada Avenue to 30th Street, along Upas Street in order to prevent flooding in the public right-of-way. The installation of this storm drain pipeline will eliminate any future flooding of the adjacent properties along Dale Street. This storm drain project requires the acquisition of drain easements and temporary construction area across ownership. The owner has accepted the City's offer and this Council action will provide funds for the payment of the property rights acquired.

FISCAL IMPACT:

The total estimated project cost is \$739,784. There is \$539,784 available in CIP-12-144.0, Dale Street Storm Drain. The other \$200,000 is available in CIP-17-001.0, Annual Allocation - Storm Drain Improvements, TransNet Fund 30300.

Belock/Boekamp/HR

Aud. Cert. 2100264.

FILE LOCATION:

CONT - Scheidel Contracting & Eng;
W.O. 120957/119355

COUNCIL ACTION:

(Tape location: A258-339.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-101: Inviting Bids for the As-Needed Construction of Minor Street Improvements at Various Locations - Contract 2.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-59) ADOPTED AS RESOLUTION R-293947

Accepting the low base bid of BRH Garver, Inc. and awarding a contract for the as-needed construction of minor street improvements at various locations - Contract 2 in the amount of no less than \$50,000 and not to exceed \$1,000,000 annually for the period between October 15, 2000 and October 14, 2001, renewable for one additional year. (BID-K20097)

CITY MANAGER SUPPORTING INFORMATION:

The Transportation and Drainage Design Division has a continuing need for as-needed construction contracts for small accelerated CIP construction projects such as repairs needed for existing storm drain facilities, bike paths, safety all-weather walkways, and pedestrian ramps. This contract will enable the division to achieve its objective of rapidly engaging contractors in critical and necessary work, requested by the operating divisions, while lowering costs. The As-Needed Construction Contract substantially reduces the time between when a smaller project is identified and when it is completed. The contractor bids unit prices on various items of work which are non-project specific. These prices remain in effect for the one year term of the contract. After a project is identified, a site visit is scheduled where scope, specifics, and price are discussed by the City and the contractor. Once there is agreement, the City processes a Task Authorization, and issues a Notice to Proceed to the contractor.

FISCAL IMPACT:

Total authorized expenditure per contract year, contingent on Council approving appropriations, not to exceed \$1,000,000.

Belock/Boekamp/HR

Aud. Cert. 2100340.

FILE LOCATION: CONT-BRH GARVER, INC.

COUNCIL ACTION: (Tape location: A258-339.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-102: Removal of Architectural Barriers for the Disabled - Rejecting Bids and Readvertising Contract 42.

(Rancho Bernardo, Rancho Peñasquitos, Mira Mesa, University, La Jolla, Pacific Beach, Clairemont Mesa, Linda Vista, Kearny Mesa, Navajo, Uptown, Greater North Park, Mid City (Kensington), Logan Heights, Skyline/Paradise Hills (Lomita, Skyline), Otay Mesa/Nestor, San Ysidro Community Areas. Districts-1, 2, 3, 4, 5, 6, 7, 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-425) ADOPTED AS RESOLUTION R-293948

Rejecting all bids therefore received on Removal of Architectural Barriers for the Disabled - Contract 42, pursuant to publication of notice calling for bids on June 22, 2000;

Approving the amended specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for Removal of Architectural Barriers for the Disabled - Contract 42;

Authorizing the City Manager to execute a contract with the lowest responsible and reliable bidder;

Authorizing the City Auditor and Comptroller to transfer \$15,000 from CDBG Fund 18536, Dept. No. 4225, Org. No. 2506; and \$30,000 from CDBG Fund 18536, Dept. No. 4225, Org. No. 2502 to CDBG Fund 18535, Dept. 4195, Org. 9501, Job Order No. 112827;

Authorizing the expenditure of \$290,062 from CDBG Fund 18535, Dept. No. 4195, Org. 9501, Job Order No. 112827 for providing funds for said project and related costs;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

On June 5, 2000, Council, by Resolution 293218, approved funding, plans and specifications and advertisement for bids for the subject contract. Subsequently, six bids were received on June 22, 2000. The low bid from Portillo Concrete of \$162,218 was 6.77% below the engineer's estimate of \$174,000. However, this bid had to be rejected when EOCP determined that the contractor had not met the Federal mandate to make a good faith effort to subcontract at least 8% of the work for supplies, equipment, or services from organizations owned or controlled by socially disadvantaged individuals and women.

Because the next lowest bid at \$216,315 was 24.32% over the engineer's estimate, it is prudent to re-advertise and rebid the project.

\$45,000 in additional CDBG funding has been identified for the project for additional ramp construction. The revised project will provide 224 pedestrian (curb) ramps.

Community Block Grant Fund Nos. 18535 and 18536 provide for the design and construction of pedestrian ramps. The ramps are required because persons with disabilities and many senior citizens find their mobility restricted by curbs that are difficult to negotiate.

FISCAL IMPACT:

The project budget is \$290,062, including design, construction, inspection, and contingencies. Funds for this project are available in CDBG Fund Nos. 18535 and 18536.

Belock/Boekamp/HR

Aud. Cert. 2100302.

FILE LOCATION: CONT - Star Paving Incorporated; W.O. 112827

COUNCIL ACTION: (Tape location: A258-339.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-103: Approving the Plans and Specifications and Inviting Bids for the Construction of Sidewalk and Curb / Gutter Replacement City Wide - "C-18".

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-58) ADOPTED AS RESOLUTION R-293949

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Sidewalk and Curb/Gutter Replacement City Wide - "C-18";

Authorizing the City Manager to execute a contract with the lowest responsible bidder;

Authorizing the expenditure of an amount not to exceed \$700,000 from Street Division's Operating Fund No. 10440, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K-01006C)

CITY MANAGER SUPPORTING INFORMATION:

This action will provide for the replacement of damaged concrete hard scape surfaces in all Council Districts. Specific sidewalk and curb replacement locations are selected from the Street Division's current concrete backlog. Most locations are for the repair of sidewalks which have been damaged by parkway trees. It is projected that 554 locations can be completed by this contract. The projected contract locations are sites which involve sidewalk, curb repairs, and pedestrian ramp installations throughout the city.

FISCAL IMPACT:

The cost of this contract is \$700,000. Funds are available in the Street Division's Operating Fund No. 10440 for this purpose.

Loveland/Gonzalez/RCL

Aud. Cert. 2100196.

FILE LOCATION: CONT - Sierra Pacific West Inc.; W.O. 005767
(Sidewalk and Curb/Gutter Replacement Citywide -
"C-18")

COUNCIL ACTION: (Tape location: A258-339.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-104: Approving the Plans and Specifications and Inviting Bids for the Construction of Prestwick Court Storm Drain Replacement.

(La Jolla Shores Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-423) ADOPTED AS RESOLUTION R-293950

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Prestwick Court Storm Drain Replacement on Work Order No. 171047;

Authorizing the City Manager to execute a contract with the lowest responsible bidder;

Authorizing the City Auditor and Comptroller to appropriate \$110,000 from CIP-17-001.0, Annual Allocation - Minor Improvements, TransNet Fund 30300 to CIP-17-104.7 Prestwick Court Storm Drain, in addition to funds previously appropriated for said project;

Authorizing the expenditure, not to exceed \$220,000 from CIP-17-104.7, Prestwick Court Storm Drain, TransNet Fund 30300 for the purpose of providing funds for said project and related costs, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for such expenditure are or will be on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K-20202C)

CITY MANAGER SUPPORTING INFORMATION:

The Prestwick Court Storm Drain project will rehabilitate the existing corrugated metal pipe that has been deteriorated during the last year rain storm season. Opened sinkhole at the bottom hillside will be filled and compacted and two possible point repairs along the pipe will be required. The rehabilitation of the existing deteriorated pipe will enhance flow in the pipe and eliminate further damage to the hillside and the adjacent properties due to sinkholes. The additional funds needed for this project is necessary to cover the costs of pipe rehabilitation and the difficult construction terrain at the hillside.

FISCAL IMPACT:

The total estimated cost for this project is \$220,000, of which \$110,000 is available in CIP-17-104.7, Prestwick Court Storm Drain and the additional \$110,000 is available in CIP-17-001.0, Annual Allocation - Storm Drain Improvements, TransNet Fund 30300.

Belock/Boekamp/HR

Aud. Cert. 2100343.

FILE LOCATION: CONT - Pullman Engineering, Inc.; W.O. 171047

COUNCIL ACTION: (Tape location: A258-339.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-105: Two actions related to the Final Subdivision Map of Crown Bay.

(Barrio Logan Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-500) ADOPTED AS RESOLUTION R-293951

Authorizing the City Manager to execute a Subdivision Improvement Agreement with Crown Bay, LLC for the installation and completion of public improvements.

Subitem-B: (R-2001-499) ADOPTED AS RESOLUTION R-293952

Approving the final map of Crown Bay.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 0.929 acre site into one lot for 86 residential and 4 commercial condominium units. It is located at the northeast corner of 3rd Avenue and "K" Street, within the Centre City Redevelopment Project Area. On November 4, 1999, the Planning Commission of the City of San Diego approved TM-99-0688 by Resolution No. 2877-PC for Crown Bay Condominiums. The City Engineer has approved the final map and states that all conditions of the tentative Map have been satisfied. The public improvements for this subdivision are shown in detail on Drawing No. 302991-D through 30299-21-D, filed in the Office of the City Clerk under Micro Number 140.50. The Engineers estimate for the cost of public improvement is \$226,263 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$600, as determined by the surveyors estimate, has been posted as surety for the setting of survey monuments. A building permit has been issued for this project; Permit Number A-112629-99 and construction has begun. Subdivider, by letter, has

given assurance to the City of San Diego that he/she subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development."

FISCAL IMPACT:

None.

Loveland/Haase/RSV

FILE LOCATION: Subitems A,B: SUBD-Crown Bay (40)

COUNCIL ACTION: (Tape location: A258-339.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-106: Torrey Hills Unit No. 9 Final Map.

(Sorrento Hills Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-373) ADOPTED AS RESOLUTION R-293953

Approving the final map.

CITY MANAGER'S SUPPORTING INFORMATION:

This map proposes the subdivision of a 6.697 acre site into 18 lots for residential development and Lots "A", "B" and "C". It is located southeasterly of East Ocean Air Drive and West Ocean Air Drive in the Sorrento Hills community. On March 17, 1997 the City Council of the City of San Diego approved Vesting Tentative Map No. 950554 per Resolution No. R-288438 for

Torrey Hills. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. A cash bond in the amount of \$3,000 as determined by the surveyor's estimate has been posted as surety for the setting of survey monuments. This subdivision is in a community plan area designated in the General Plan as Planned Urbanizing. As such, special financing plans have been established to finance the public facilities required for the community plan area. Therefore, in connection with Council approval of this final map, the subdivider shall comply with the provisions of the financing plan through satisfaction of the terms of the Sorrento Hills Development Agreement. Subdivider, by letter, has given assurance to the City of San Diego that he/she subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development".

FISCAL IMPACT:

None.

Loveland/Haase/GB

FILE LOCATION: SUBD-Torrey Hills Unit No. 9 (40)

COUNCIL ACTION: (Tape location: A258-339.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-107: Two actions related to the Final Subdivision Map of Torrey Hills Unit No. 9A.

(Sorrento Hills Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-531) ADOPTED AS RESOLUTION R-293954

Authorizing the City Manager to execute a Subdivision Improvement Agreement with SCH Torrey II, LLC, for the installation and completion of public improvements.

Subitem-B: (R-2001-530) ADOPTED AS RESOLUTION R-293955

Approving the final map.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 3.905 acre site into 10 lots for residential development and Lot "A" for building restricted easement over a non-buildable lot, to be maintained by the homeowner's association. The project is located at the southerly terminus of East Ocean Air Drive in the Sorrento Hills Community Plan Area. On March 17, 1997 the City Council of the City of San Diego approved Vesting Tentative Map No. 950554 per Resolution No. R-288438 for Torrey Hills. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The public improvements required for this subdivision are shown in detail on Engineering Drawing No. 29643-1-D through 29643-2-D filed in the Office of the City Clerk under Micro No. 140.49. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$107,175 and a Performance Bond in that amount has been provided as surety. Special Permit No. 1570 has been issued for construction of water and sewer facilities. A cash bond in the amount of \$2,000 has been posted as surety for the setting of survey monuments. This subdivision is in a community plan area designated in the General Plan as Planned Urbanizing. As such, special financing plans have been established to finance the public facilities required for the community plan area. Therefore, in connection with Council approval of this final map, the subdivider shall comply with the provisions of the financing plan through satisfaction of the terms of the Sorrento Hills Development Agreement. Subdivider, by letter, has given assurance to the City of San Diego that he/she subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development".

FISCAL IMPACT:

None.

Loveland/Haase/GB

FILE LOCATION: Subitems A,B: SUBD-Torrey Hills Unit No. 9A (40)

COUNCIL ACTION: (Tape location: A258-339.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-108: Settlement of Claim Regarding Carmel Mountain Conservancy.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-522) ADOPTED AS RESOLUTION R-293956

A Resolution approved by the City Council in Closed Session on Tuesday, July 18, 2000, by the following vote: Mathis-yea; Wear-nay; Kehoe-yea; Stevens-yea; Warden-yea; Stallings-yea; McCarty-nay; Vargas-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$25,000 in attorney fees in the settlement of Superior Court Case No. GIC 746087, Carmel Mountain Conservancy v. City of San Diego, arising from a dispute regarding proposed improvements to Sorrento Valley Road between Carmel Valley Road and Carmel Mountain Road;

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$25,000 made payable to Courtney Ann Coyle, Attorney at Law, in full settlement of the lawsuit and all claims.

Aud. Cert. 2100375.

NOTE: The Auditor's Certificate was not requested prior to Closed Session. The vote taken in Open Session shall be the official vote.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A258-339.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Blair-yea, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-yea.

* ITEM-109: Permit - North San Diego County Transit Development Board.

(Sorrento Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-435) ADOPTED AS RESOLUTION R-293957

Authorizing the City Manager to execute a 3-year permit agreement with North San Diego Transit Development Board, a public agency, for biological surveys on City-owned Lots 9 and 10 of El Camino Industrial Park and Lot 15 of Carroll Ridge Business Park II.

CITY MANAGER SUPPORTING INFORMATION:

North San Diego County Transit Development Board (NCTD) obtained a 3-year right-of-entry permit in 1997 from City staff to conduct biological surveys on City-owned open space land on the south side of Carroll Canyon. The surveys include geologic mapping, survey of cultural/paleontological resources, and a survey of plants and wildlife. The surveys are part of a study to consider the realignment of the San Diego Northern Railway (Coaster) tracks in the vicinity of Carroll Canyon to increase track speed.

NCTD postponed the project so the existing 3-year permit will expire in August 2000 without the biological surveys having been done. NCTD requests a new 3-year permit under the same terms, which include 30-day revocability by either party, indemnification of City, and no rent. Park and Recreation has no objection to the proposed permit. No rent is being charged because the City will receive a copy of the biological surveys and will benefit from improved public transit if the track realignment is implemented.

FISCAL IMPACT:

A \$360 processing fee was deposited into the General Fund.

Loveland/Griffith/PTC

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A258-339.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-110: Automatic Aid Agreement with Marine Corps Air Station Miramar (MCAS Miramar).

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-504) ADOPTED AS RESOLUTION R-293958

Authorizing the City Manager to enter into an agreement with MCAS Miramar for each entity to provide emergency services under the circumstances and terms reflected in that agreement.

CITY MANAGER SUPPORTING INFORMATION:

The proposed agreement provides for the exchange of fire protection services between the City of San Diego and MCAS Miramar, without regard to jurisdictional boundaries. The proposed agreement clarifies the roles and responsibilities of both parties in the provision of fire protection services between these adjacent jurisdictions. The assurance of aid between the City of San Diego and MCAS Miramar is the sole consideration for the performance of these services. Mutual financial compensation is not expected from this activity.

FISCAL IMPACT:

None.

Uberuaga/Osby/FW

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A258-339.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-111: Academy of Our Lady of Peace Day.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-523) ADOPTED AS RESOLUTION R-293959

Recognizing the outstanding achievement of the staff, students and parents of the Academy of Our Lady of Peace in being named as one of the nation's Blue Ribbon Schools for 1999-2000 by the United States Secretary of Education;

Proclaiming October 2, 2000 to be "Academy of Our Lady of Peace Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A258-339.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-112: Appointment of Councilmember Phil Blair.

(See memorandum from Councilmember Blair dated 9/26/2000.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2001-562) ADOPTED AS RESOLUTION R-293960

Appointing Councilmember Phil Blair, pursuant to Section 22.0101 as amended, of the San Diego Municipal Code, to serve as Barbara Warden's replacement as Council representative and Council liaison or alternate to the organizations listed below for the period ending December 4, 2000:

1. Metropolitan Transit Development Board
Alternate to Valerie Stallings
2. Mission Trails Regional Park Task Force
Representative
3. San Diego Trolley Advisory Board
Representative
4. San Dieguito River Valley Regional Open Space Park Joint Powers
Authority
Representative
5. Small Business Advisory Board
Representative
6. SANDAG TransNet Committee
Representative

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:**

On 10/2/2000, RULES voted 3-0 to approve on consent. (Councilmembers Mathis, Wear, and Vargas voted yea. Mayor Golding not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A258-339.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-113: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2001-442) ADOPTED AS RESOLUTION R-293961

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: Gen'l-State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

COUNCIL ACTION: (Tape location: A258-339.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-114: Memorandum of Agreement, Airports Division/Fire and Life Safety Services.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-528) ADOPTED AS RESOLUTION R-293962

Authorizing the City Manager to execute a twenty-five year Memorandum of Agreement between the City's Real Estate Assets Department, Airports Division, and the Fire and Life Safety Services Department, at an initial annual rent of \$7,435;

Authorizing the City Auditor and Comptroller, subject to Council approval of annual budgets, to process an inter-fund transfer of \$7,435 annually, along with any rent adjustments as set forth in the Memorandum of Agreement, from Fund 100 to the Airports Enterprise Fund 41100.

CITY MANAGER SUPPORTING INFORMATION:

The City's Fire Station 43 was built at the southeast corner of Brown Field Airport a number of years ago. Due to F.A.A. regulations which require that Airports receive market rents for all land leases, it was determined that the San Diego Fire & Life Safety Services Department, (SDF&LSS) should reimburse the Airports Enterprise Fund for the use of the land on which Station 43 is located. Commencing July 1, 1999, a twenty-five year Agreement was proposed with an initial annual rent of Seven Thousand, Four Hundred & Thirty Five (\$7,435) dollars, based on then-current commercial rates at the Airport. The Agreement provides for rent adjustments based on increases, if any, in the Consumer Price Index (C.P.I.) on July 1, 2002 and at the beginning of each five year period thereafter. Rent adjustments based on market appraisals will also occur at the beginning of the fifth and fifteenth year of the Agreement. Subject to approval of the City Manager, either party may cancel the Agreement up to 180 days written notice to the other.

FISCAL IMPACT:

Subject to Council approval of annual budgets, an inter-fund transfer of Seven Thousand, Four Hundred and Thirty Five (\$7,435) will be made annually from Fund 100 to the Airports Enterprise Fund 41100

Loveland/Griffith/MLM

Aud. Cert. 2100346.

FILE LOCATION: LEAS-Airports Division/Fire and Life Safety Services.

COUNCIL ACTION: (Tape location: A258-339.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-115: Development in Mission Bay Park.

(See City Manager Report CMR-00-144.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2001-465) ADOPTED AS RESOLUTION R-293963

Amending Council Policy No. 700-08 titled "Mission Bay Park Policies".

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On July 19, 2000, NR&C voted 5-0 to reject the City Manager's recommendation and, instead, move forward with revision of Council Policy 700-08 to include both commercial and nonprofit leases when calculating the 25% lease restriction on development in Mission Bay Park (contained in Charter Section 55.1). The City Attorney should prepare the appropriate language, without any other additions, to Council Policy 700-08. (Councilmembers Mathis, Kehoe, Stallings, McCarty, and Vargas voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

July 19, 2000, the Natural Resources and Culture Committee voted unanimously (5-0) to move forward with the revision of Council Policy 700-08 to include both commercial and nonprofit leases when calculating the 25% lease restriction on development in Mission Bay Park (contained in Charter Section 55.1). The City Attorney should prepare the appropriate language, without any other additions to Council Policy 700-08.

The City Attorney has also recommended that it is desirable to update the non-discrimination clause of Council Policy 700-08 to reflect current policy. This amendment is included in the attached version of Council Policy 700-08.

CW

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A258-339.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-150: Police Regulated Ordinances Regarding Peep Shows and Nude Entertainment Establishments.

(See City Manager Reports CMR-00-53, 00-156 and 00-200; O-99-72; Task Force Report and Recommendations; Sebastian D'Amico's 8/1/2000 comments.)

TODAY'S ACTION IS:

Introduce the ordinances in Subitems A, B, C; and adopt the resolutions in Subitems D and E:

Subitem-A: (O-2001-10) INTRODUCED, TO BE ADOPTED ON
MONDAY, OCTOBER 30, 2000

Introduction of an Ordinance amending Chapter III, Article 3, Division 28, of the San Diego Municipal Code by repealing section 33.2801; amending and renumbering section 33.2802 to 33.2801; repealing section 33.2803; amending and renumbering sections 33.2804 and 33.2805 to 33.2802 and 33.2803; adding new sections 33.2804 and 33.2805; repealing sections 33.2806, 33.2807, 33.2808 and 33.2809; adding new sections 33.2806 and 33.2807; amending and renumbering section 33.2810 to 33.2808; adding new sections 33.2809, 33.2810 and 33.2811; repealing sections 33.2814,

33.2815, 33.2816, 33.2817 and 33.2818; amending and renumbering section 33.2819 to 33.2812; adding new sections 33.2813 and 33.2814; and repealing sections 33.2820, 33.2821 and 33.2822; all relating to Outcall Nude Entertainment.

Subitem-B: (O-2001-8) INTRODUCED, TO BE ADOPTED ON
MONDAY, OCTOBER 30, 2000

Introduction of an Ordinance amending Chapter III, Article 3, Division 36, of the San Diego Municipal Code by amending the title of Division 36 to "Nude Entertainment Business"; repealing section 33.3601; amending and renumbering section 33.3602 to 33.3601; repealing section 33.3603; amending and renumbering section 33.3604 to 33.3602; adding new section 33.3603; amending and renumbering section 33.3605 to 33.3604; amending and renumbering section 33.3606 to 33.3605; adding new section 33.3606; repealing sections 33.3607, 33.3608, 33.3609, 33.3610, 33.3611, 33.3612, 33.3613, 33.3614, 33.3615, 33.3616 and 33.3620; and adding new sections 33.3606, 33.3607, 33.3608, 33.3609, 33.3610 and 33.3611; all relating to Nude Entertainment Business.

Subitem-C: (O-2001-6) INTRODUCED, TO BE ADOPTED ON
MONDAY, OCTOBER 30, 2000

Introduction of an Ordinance amending Chapter III, Article 3, Division 33, of the San Diego Municipal Code by amending sections 33.3301, 33.3302 and 33.3303; repealing section 33.3304; amending and renumbering section 33.3305 to 33.3304; adding new sections 33.3305, 33.3306 and 33.3307; repealing section 33.3313; amending and renumbering section 33.3315 to 33.3308; amending and renumbering section 33.3314 to 33.3309; amending and renumbering section 33.3319 to 33.3310; adding new sections 33.3311, 33.3312, 33.3313, and 33.3314; repealing existing sections 33.3315, 33.3316, 33.3317, and 33.3318, and adding new sections 33.3315, 33.3316, 33.3317, and 33.3318; adding a new section 33.3319; repealing existing sections 33.3320, 33.3321, 33.3322, 33.3323, 33.3324, 33.3325, and 33.3326, and adding new sections 33.3320, 33.3321, 33.3322, 33.3323, 33.3324, 33.3325, 33.3326, and 33.3327; all relating to Peep Show Establishments.

Subitem-D: (R-2001-513) ADOPTED AS RESOLUTION R-293964

Adoption of a resolution authorizing the City Manager to set the fees for this industry as follows: an annual regulatory fee of \$2,471 for a nude entertainment business permit; and an annual regulatory fee of \$51 for an adult entertainer's permit; declaring that this fee change shall be filed in the Rate Book of City Fees and Charges maintained by the City Clerk.

Subitem-E: (R-2001-511) ADOPTED AS RESOLUTION R-293965

Adoption of a resolution authorizing the City Manager to set the fees for this industry as follows: an annual regulatory fee of \$75 per peep show booth; declaring that this fee change shall be filed in the Rate Book of City Fees and Charges maintained by the City Clerk.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:**

On May 3, 2000, PS&NS voted 4 to 1 to accept the City Manager and City Attorney's recommendation as written (that the recommendation includes the requirement for doors on peep show booths). (Councilmembers Mathis, Wear*, Warden, Stallings voted yea. Councilmember Stevens voted nay.)

* Councilmember Wear recorded his opposition to the "door-on" requirement of the proposed ordinance.

On August 2, 2000, PS&NS voted 5 to 0 to accept the City Manager's report with direction to the City Attorney and City Manager to delete those sections of the proposed ordinance, included as part of this report, which would restrict direct tipping. The City Manager was also directed to refine the proposed ordinance's language regarding "touching" to make it consistent with other references in the Municipal Code regarding this subject. The Committee specifically referred to both existing and proposed language in the Municipal Code regarding touching of "specified anatomical areas." The City Manager was further directed to include language in the proposed ordinance disallowing any intentional touching during performances. (Councilmembers Mathis, Wear, Stevens**, Warden and Stallings voted yea.)

**Councilmember Stevens asked to be recorded as a "no" vote on the issue of continuing to allow direct tipping of performers.

FILE LOCATION: Subitems A,B,C: NONE.
Subitems D,E: GEN'L - FEES & CHARGES - POLICE
DEPT.

COUNCIL ACTION: (Tape location: B125-D317.)

Hearing began at 3:05 p.m. and halted at 4:38 p.m.

Testimony in favor by Gina Holloway, Don Buteyn, Jim Milch, Dale Manicom, Sebastian Damico, Lori Ann Osmundson, Christine Rapata, Andy Zmurkiewicz, Peter Luster, Kristina Bulger, Brenda Simmons and Clyde DeWitt.

Motion by Mathis to introduce the ordinances in Subitems A,B,C as articulated and recommended by the police department and supported by all the speakers here and to adopt the resolutions in Subitems D and E. Second by McCarty.

Substitute motion by Vargas to approve the Manager's recommendation as amended to phase out the direct tipping of performers over 3 years and also to have the 18" cut as is now, and to remove the doors for peep shows. Second by McCarty.

Vote taken for the City Manager's Recommendation with the exception of the doors on or off for peep shows and no direct tipping: Failed. Yeas-2,7,8,M. Nays-1,3,5,6. Not present-4.

Vote taken to take doors off as originally recommended by the police: Failed.
Yeas-2,7,8,M. Nays-1,3,5,6. Not present-4.

Vote taken to not allow direct tipping as recommended by the police directly, with the 3-year phase out. Failed. Yeas-7,8,M. Nay-1,2,3,5,6. Not present-4.

VOTE TAKEN FOR THE ORIGINAL MOTION BY COUNCIL MEMBER MATHIS TO INTRODUCE THE ORDINANCES IN SUBITEMS A,B,C AS ARTICULATED AND RECOMMENDED BY THE POLICE DEPARTMENT AND SUPPORTED BY ALL THE SPEAKERS HERE AND TO ADOPT THE RESOLUTION IN SUBITEMS D AND E, MINUS THE ISSUE OF THE CLOSING HOURS. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-nay, Kehoe-yea, Stevens-not present, Blair-yea, Stallings-yea, McCarty-yea, Vargas-nay, Mayor Golding-nay.

Motion by Vargas to continue the issue of the closing hours until Council Member Stevens returns. Second by Wear. Failed. Yeas-2,7,8. Nays-1,3,5,6,M. Not present-4.

MOTION BY MATHIS TO ADOPT THE COMMITTEE RECOMMENDATION ON THE CLOSING HOURS OF OPERATION. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-nay, Kehoe-yea, Stevens-not present, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

Motion by McCarty for reconsideration of the hours of operation. Second by Vargas. Failed. Yeas-2,7,8,M. Nays-1,3,5,6. Not present-4.

ITEM-151: Clean Syringe Exchange Program.

(See PS&NS-00-5 and Alliance Healthcare Foundation Information.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2001-581) ADOPTED AS AMENDED AS RESOLUTION R-293966

Declaring a state of local emergency to exist in connection with the spread of the hepatitis C virus, exacerbated by the shared use of needles and syringes by intravenous drug users;

Authorizing the City Manager to develop and implement a one-year clean needle and syringe exchange pilot program, coupled with a drug abuse referral program, within the City;

Authorizing the City Manager to immediately convene a task force charged with developing the practices and procedures to be used in the needle and syringe pilot program;

Delegating to the City Manager the authority to select the task force participants; provided, however, that the task force shall include representatives from the San Diego Police Department, the City Attorney's office, the City Manager's office, the Mayor's office, the Alliance Healthcare Foundation, and at least one representative from a public health agency, hospital, or medical group familiar with the prevention and control of disease among the City's population of intravenous drug users.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:**

On September 13, 2000, PS&NS voted 3 to 1 to direct the City Attorney and City Manager to prepare a resolution for City Council consideration that would declare a local emergency due to the existence of a critical local public health crisis in the City of San Diego. The City Attorney and City Manager were directed to specifically reference the criteria established by the State Legislature regarding the implementation of clean needle and syringe exchange programs. The Committee also directed the City Manager to immediately convene a task force charged with developing the practices and procedures to be used in conducting a one-year clean needle and syringe exchange pilot program coupled with a drug abuse treatment referral program within the City. The Committee directed that the task force include representatives from the San Diego Police Department, the City Attorney's office, the City Manager's office, the Mayor's office, the Alliance Healthcare Foundation, and at least one representative from a public health agency, hospital, or medical group familiar with prevention and control of disease among the City's population of intravenous drug users. The Committee delegated the selection of task force participants to the City Manager. (Councilmembers Mathis, Wear and Stallings voted yea. Councilmember Stevens voted nay. District 5-vacant.)

CITY MANAGER SUPPORTING INFORMATION:

The Public Safety and Neighborhood Services Committee voted (3-1) to direct the City Attorney and City Manager to prepare a resolution for City Council consideration that would declare a local emergency due to the existence of a critical local public health crisis in the City of San Diego. The City Attorney and City Manager were directed to specifically reference the criteria established by the State Legislature regarding the implementation of clean needle and syringe exchange programs. The Committee also directed the City Manager to immediately convene a task force charged with developing the practices and procedures to be used in conducting a one-year clean needle and syringe exchange pilot program coupled with a drug abuse treatment referral program within the City. The Committee directed that the task force include representatives from the San Diego Police Department, the City Attorney's office, the City Manager's office, the Mayor's office, the Alliance Healthcare Foundation, and at least one representative from a public health agency, hospital, or medical .group familiar with prevention and control of disease among the City's population of intravenous drug users. The Committee delegated the selection of task force participants to the City Manager.

BH

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D339-G033.)

MOTION BY STALLINGS DECLARING A STATE OF LOCAL EMERGENCY TO EXIST IN CONNECTION WITH THE SPREAD OF THE HEPATITIS C VIRUS, EXACERBATED BY THE SHARED USE OF NEEDLES AND SYRINGES BY INTRAVENOUS DRUG USERS;

AUTHORIZING THE CITY MANAGER TO DEVELOP AND IMPLEMENT A ONE-YEAR CLEAN NEEDLE AND SYRINGE EXCHANGE PILOT PROGRAM, COUPLED WITH A DRUG ABUSE TREATMENT PROGRAM, WITHIN THE CITY; THIS PROGRAM IS NOT TO BE IMPLEMENTED UNTIL IT COMES BACK TO COUNCIL FOR REVIEW;

AUTHORIZING THE CITY MANAGER TO IMMEDIATELY CONVENE A TASK FORCE CHARGED WITH DEVELOPING THE PRACTICES AND PROCEDURES TO BE USED IN THE NEEDLE AND SYRINGE PILOT PROGRAM;

DELEGATING TO THE CITY MANAGER THE AUTHORITY TO SELECT THE TASK FORCE PARTICIPANTS; PROVIDED, HOWEVER, THAT THE TASK FORCE SHALL INCLUDE REPRESENTATIVES FROM THE SAN DIEGO POLICE DEPARTMENT, THE CITY ATTORNEY'S OFFICE, THE CITY MANAGER'S OFFICE, THE MAYOR'S OFFICE, THE ALLIANCE HEALTHCARE FOUNDATION, AND AT LEAST ONE REPRESENTATIVE FROM A PUBLIC HEALTH AGENCY, HOSPITAL, OR MEDICAL GROUP AND PARTICIPATION FROM COMMUNITY REPRESENTATIVES FAMILIAR WITH THE PREVENTION AND CONTROL OF DISEASE AMONG THE CITY'S POPULATION OF INTRAVENOUS DRUG USERS. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Blair-yea, Stallings-yea, McCarty-nay, Vargas-not present, Mayor Golding-nay.

ITEM-152: Funding for Coastal Infrastructure and Facilities Project.

(See City Manager Report CMR-00-189.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2001-555) ADOPTED AS RESOLUTION R-293967

Amending the Fiscal Year 2001 Capital Improvement Program Budget by adding CIP-37-236.0, Lifeguard Mobile Work Station;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$1,493,760 from the Transient Occupancy Tax Coastal Infrastructure CIP Fund (Fund 102232) as follows: \$788,760 to CIP-29-473.0, Pacific Beach Lifeguard Tower and Grand Avenue Restroom; \$200,000 to CIP-29-472.0, Mission Beach-South Belmont Park Restroom; \$200,000 to CIP-29-471.0, South Kellogg Park Restroom; \$225,000 to CIP-52-533.0, Mission Beach Boardwalk Widening; \$20,000 to CIP-52-688.0, Sunset Cliffs Erosion Protection; and \$60,000 to CIP-37-236.0, Lifeguard Mobile Work Station;

Authorizing the allocation of an amount not to exceed \$280,000 from Fiscal Year 2001, CIP-52-545.0, Coastal Erosion Affecting City Street as follows: \$250,000 to CIP-52-670.0, La Jolla Cove Wall Replacement and Bluff Stabilization; and \$30,000 to CIP-52-688.0, Sunset Cliffs Erosion Protection;

Authorizing the expenditure of \$73,740 from the Transient Occupancy Coastal Engineer Fund (Fund 10223) to pay for 1/4 of a Coastal Engineer Position and Conference Fees (\$27,500), the City's share of the annual cost for SANDAG to monitor the region's coastal erosion (\$24,480), and the City's share of the annual cost for SANDAG's Regional Sand Retention Strategy (\$21,760);

Authorizing the expenditure of \$788,760 from CIP-29-473.0; Pacific Beach Lifeguard Tower and Grand Avenue Restroom; \$200,000 from CIP-29-472.0, Mission Beach-South Belmont Park Restroom; \$200,000 from CIP-29-471.0, South Kellogg Park Restroom; \$225,000 from CIP-52-533.0, Mission Beach Boardwalk Widening; \$50,000 from CIP-52-688.0, Sunset Cliffs Erosion Protection; and \$250,000 from CIP-52-670.0, La Jolla Cove Wall Replacement and Bluff Stabilization; and \$60,000 from CIP-37-236.0, Lifeguard Mobile work station;

Authorizing the Auditor and Comptroller, upon completion of projects and advice from the administering department, to transfer funds to the appropriate reserve, provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for such expenditures are, or will be, on deposit in the City Treasury.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 9/20/2000, NR&C voted 4-0 to accept the recommendations of the City Manager on consent. (Councilmembers Mathis, Stallings, Vargas, and McCarty voted yea. Councilmember Kehoe not present.)

Aud. Cert. 2100393.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A296-A339.)

MOTION BY STALLINGS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-153: Mission Beach Boardwalk Encroachments.

(See City Manager Reports CMR-00-209 and CMR-00-184. Mission Beach Community Area. District-2.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2001-571 Cor. Copy) ADOPTED WITH DIRECTION AS
RESOLUTION R-293968

Authorizing the City Manager to review and consider applications for ERAs in the Buffer area, and may grant ERAs when all of the following criteria have been met:

(1) The western-most load-bearing wall of the applicant's residence or business is less than 36 inches from the eastern edge of the public right-of-way, as established by the City, and evidence is provided that the residence or business was legally built. (2) A wall or fence along Mission Beach Boardwalk is included in the application. (3) The wall or fence does not exceed 36 inches in height. (4) The wall or fence is smooth-faced on the western side. (5) All corners of the wall or fence are rounded. (6) The wall or fence does not have sharp edges or protrusions, a gate that swings west, or gate hinges that extend west of the wall or fence. (7) The western-most edge of any part of the wall or fence, including the footing, is not more than 36 inches from the western-most load-bearing wall of the residence or business. (8) The western-most edge of the wall or fence, including the footing, does not extend west of the 3-foot portion of public right-of-way designated for landscaped buffer. (9) Any other encroachments in the right-of-way are limited to paving, and landscaping with a maximum growth height of 36 inches that will not extend west of the wall or fence. (10) In the judgment of City staff, nothing in the proposed encroachments constitutes a health or safety concern. (11) The ERA will contain the conditions required by San Diego Municipal Code (M.C.) Section 62.0302, as well as at least one additional condition: If development, as defined in M.C. Section 113.0103, of the property results in a permit requirement by any agency to conform with the setback requirement on Ocean Front Walk, then the property owner will remove the encroachments and pay to install the project improvements in the 3-foot portion of public right-of-way designated for landscaped buffer.

Declaring that the City Manager may also grant ERAs in the Buffer Area under the following circumstances: Where the City has cut an opening in the above-grade portion of the boardwalk's seawall, and there is not a secondary seawall west of the opening, owners of property on Ocean Front Walk within fifty feet north or south of such opening in the boardwalk's seawall may apply for an ERA up to the length of that property's frontage on Ocean Front Walk, conditioned on complying with criteria #2, 5, 6, 8, 10 and 11 above.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 9/20/2000, NR&C voted 5 to 0 to forward the City Manager's recommended encroachment criteria to the City Council. The City Manager's report should address issues raised by Billy Paul in his public testimony to the Natural Resources and Culture Committee. (Councilmembers Mathis, Kehoe, Stallings, McCarty and Vargas voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A220-257; G034-115.)

MOTION BY WEAR TO ADOPT WITH DIRECTION FROM MAYOR GOLDING NOT TO PUT IN PLANTS THAT WON'T LIVE. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Blair-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-200: Approving the Plans and Specifications and Inviting Bids for the Construction of Water Department Central Facility - Phase A and B.

(Kearny Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-473) ADOPTED AS RESOLUTION R-293969

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Water Department Central Facility - Phase A and B on Work Order No. 184271;

Authorizing the City Manager to execute a contract with the lowest responsible bidder;

Authorizing the City Auditor and Comptroller to increase the FY2001 Capital Improvement Program budget by \$15,357,549 in CIP-73-338.0 Water Department Central Operations Facility, Water Fund No. 41500 from the Water Department unappropriated fund balance;

Authorizing the expenditure of an amount not to exceed \$60,717,763 from CIP-73-338.0 Water Department Central Operations Facility, Water Fund No. 41500, for the Construction of Water Department Central Operation Facility - P Phase A

and B for providing funds for the project and related costs, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

Declaring that the final EIR-88-0210, EIR Addendum No. EIR-92-0301, and EIR Addendum No. EIR-96-7585, have been reviewed and considered prior to approving the project. (BID-K01019C)

CITY MANAGER SUPPORTING INFORMATION:

Water Department operations are currently located at the Chollas Operations yard, 600 B Street, Rose Canyon Operations yard, and other outlying facilities. Public access and deliveries at 600 B Street is inconvenient due to limited paid public parking and other restrictions due to the building's location. Many of the buildings and work areas at Chollas are undersized and not conducive for the equipment and storage needs of the field crews. The Water Department Central Facility will consolidate and increase the efficiency and effectiveness of Water Department operations by improving material and equipment storage, site security, crew response time, and customer service and access with this centrally located facility in Kearny Mesa. This relocation and consolidation of services, in turn, will allow other City departments to relocate and consolidate their maintenance activities by utilizing the space vacated by the Water Department and ease over crowding at the Chollas Operations yard. The plan would relocate Real Estate Assets Facility Maintenance from the designated park land portion of the 20th and B Street Operation yard to the Chollas Operations yard. Park and Recreation will then consolidate some of their outlying services to the 20th and B Street Operations yard, and other departments would then have the opportunity to more effectively utilize space made available. The construction of City owned buildings on this site, and incorporating sustainable design principles will result in substantial cost savings for the Water Department annually in rent expenditures from downtown office space and storage yard leases and reduced energy costs. This facility will also provide day care, a cafeteria, and a wellness center which will reduce the traffic impact on the community by giving employees the opportunity to pay for the use of these facilities and remain on site without the need for wasted travel time. In addition, alternative forms of transportation are being investigated, such as van pools, car pools, or a new bus route, which will further reduce the traffic in this area. Construction of this facility would be split into two phases to reduce the overall design and construction time. The first phase will involve construction of the buildings and site work with the office areas left as an unfinished shell. The

second phase will involve installation of the interior mechanical, electrical, plumbing, and interior finishes within the office areas. The entire project is scheduled to be completed by November 2002, with the facility being fully operational by January 2003.

FISCAL IMPACT:

After the appropriation of \$15,357,549 from Water Fund Unappropriated Fund Balance in FY2001, phased funding in the amount of \$60,717,763 is available in Water Revenue Fund 41500, CIP-73-338.0, and \$2,280,000 in Water Revenue Fund 41500 CIP-73-331.0 for this project. Once this project is complete, the Water Department anticipates saving, at a minimum, \$2 million dollars annually in operating expenditures.

Belock/Gardner/NK

Aud. Cert. 2100341.

FILE LOCATION: W.O. 184271

COUNCIL ACTION: (Tape location: A296-A339.)

MOTION BY STALLINGS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-201: Approving the Plans and Specifications and Inviting Bids for South Metro Interceptor 84" Downtown Tunnel Rehabilitation.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-351) ADOPTED AS RESOLUTION R-293970

Approving the plans and specifications for furnishing all labor, material, tools, equipment, transportation, and other expense necessary or incidental and inviting bids for rehabilitation of the South Metro Downtown Tunnel on Work Order No. 175794;

Authorizing the City Manager to execute a contract with the lowest responsible bidder, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for expenditure under the contract are, or will be, on deposit in the City Treasury;

Authorizing the expenditure of an amount not to exceed \$6,451,981 to be expended as follows: \$6,192,352 from Sewer Fund No. 41508, CIP-45-941.0, South Metro Downtown Tunnel Rehabilitation, for project construction and related costs, including \$50,000 for use of City Forces and \$20,000 for the City of Coronado for special controlled operation of its Transbay Pump Station, and \$259,629 from Fund No. 41508, CIP-46-501.0, Annual Allocation - Metro Pooled Contingency, for project contingency, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure under the contract are, or will be, on deposit in the City treasury;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department. (Bid K01104)

CITY MANAGER SUPPORTING INFORMATION:

During a previous inspection of the South Metro Interceptor and downtown tunnel it was discovered that portions of the protective interior PVC lining had been damaged and in those areas, the concrete behind the lining was exposed and corroded. This construction rehabilitation contract will be the means to rehabilitate the damaged concrete and PVC lining without reducing the sewage flow capacity of the tunnel. This tunnel currently conveys nearly 60% of all of San Diego sewerage flows from the South San Diego County area to other facilities for treatment and disposal at MWW's Point Loma Treatment Facility. The tunnel alignment runs from the intersection of 19th and Commercial Avenue to the San Diego County Administration Center at 1600 North Harbor Drive. The rehabilitation contract is needed to ensure the South Metro Downtown Tunnel remains in service and if the rehabilitation is not completed in a timely manner, further damage is possible to both the tunnel and even surface improvements above it. This would result in increased cost impacts to the City for the rehabilitation and possible regulatory action. It is requested that City Council approve this request for advertisement and award to ensure a vital link in the San Diego sewer system remains in operation.

FISCAL IMPACT:

The total cost of this action is \$6,451,981 of which \$6,142,352 is available for construction and related costs and \$50,000 is available for City Forces from Fund 41508 CIP-45-941.0, South Metro Downtown Tunnel Rehabilitation, and \$259,629 is available in CIP-46-501.0, Pooled Contingency for project contingency.

Belock/Schlesinger/JM

FILE LOCATION: CONT - Sancon Technologies, Inc.; W.O. 175794

COUNCIL ACTION: (Tape location: A296-A339.)

MOTION BY STALLINGS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-202: Approving the Plans and Specifications and Inviting Bids for Plastic Service Replacement Group 519.

(Rancho Peñasquitos, Scripps Miramar Ranch, Tierrasanta, Clairemont Mesa, Navajo, and Skyline-Paradise Hills Community Areas. Districts-1, 4, 5, 6, and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-426) ADOPTED AS RESOLUTION R-293971

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the construction of Plastic Service Replacement Group 519 on Work Order No. 182621;

Authorizing the City Manager to establish contract phases and execute a contract with the lowest responsible bidder;

Authorizing the expenditure, not to exceed \$1,863,859 from Water Fund No. 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, for the purpose of providing funds for said project and related costs, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for such expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (Bid K01026C)

CITY MANAGER SUPPORTING INFORMATION:

Water Group 519 (Water Services) proposes the replacement of sub-standard plastic water services in the following communities: Rancho Peñasquitos, Scripps Miramar Ranch, Tierrasanta, Clairemont Mesa, Navajo, and Skyline-Paradise Hills. These water services have experienced re-occurring leaks and need to be replaced from the water main to the meter boxes with copper piping.

FISCAL IMPACT:

The total estimated cost of this project is \$1,863,859 of which \$170,000 is for Engineering and Design, \$1,475,590 is for Construction, and \$218,269 for Contingencies and related costs. Funding is available in Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, for this purpose.

Belock/Boekamp/HR

WWF-01-470.

FILE LOCATION: W.O. 182621

COUNCIL ACTION: (Tape location: A296-A339.)

MOTION BY STALLINGS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-203: Approving the Plans and Specifications and Inviting Bids for the Construction of Telemetry Control Systems - SCADA - Phase IIb (Contract #4).

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-424) ADOPTED AS RESOLUTION R-293972

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Telemetry Control Systems - SCADA - Phase IIb (Contract #4) on Work Order No. 185506;

Authorizing the City Manager to execute a contract with the lowest responsible bidder;

Authorizing the expenditure of an amount not to exceed \$1,128,313 from Water Fund 41500, CIP-73-348.0, Telemetry Control Systems - SCADA - Phase II, for the construction of Telemetry Control Systems - SCADA - Phase IIb (Contract #4) for providing funds for the project and related costs, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K01014C)

CITY MANAGER SUPPORTING INFORMATION:

The Water Department is constructing Phase II of a two phase program to install a modern Supervisory Control and Data Acquisition (SCADA) system. The SCADA system will monitor and control all critical water distribution sites. Phase I included the central control and operations components as well as Remote Control Panels (RCPS) at 42 of the water distribution sites. Due to additional work that has been identified, Phase II has been divided into three (3) parts, Phase IIa, IIb, and IIc. Phase IIa includes the installation of RCPs to control 60 additional water distribution sites. Phase IIb includes remediation work at 36 existing sites, and Phase IIc includes installation of RCPs at 29 large meter sites. This Council action funds the installation work of the RCPs for Phase IIb.

FISCAL IMPACT:

The total estimated cost of Phase II is \$7,043,000. The estimated cost of this contract is \$1,128,313. Funding is available in Water Fund 41500, CIP-73-348.0, Telemetry Control Systems SCADA - Phase II for this purpose.

Belock/Boekamp/HR

WWF-01-462.

FILE LOCATION: CONT - Neal Electric Incorporated; W.O. 185506

COUNCIL ACTION: (Tape location: A296-A339.)

MOTION BY STALLINGS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-204: Angle Parking on Irving Avenue.

(Logan Heights Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-443) ADOPTED AS RESOLUTION R-293973

Approving angle parking on the north side of Irving Avenue between Crosby Street and Dewey Street, pursuant to San Diego Municipal Code section 86.03;

Authorizing the installation of the necessary signs and markings; the regulations imposed shall become effective upon the installation of signs.

CITY MANAGER SUPPORTING INFORMATION:

This action permits angle parking on the north side of Irving Avenue between Crosby Street and Dewey Street. Currently, there is parallel parking in this segment. This action will provide 5

additional parking spaces. Council approval is required according to Municipal Code section 86.03. A petition of 15 of 16 property owners, representing 95% of the abutting property, was submitted in support of this action. The Southeastern San Diego Development Committee supports this action.

FISCAL IMPACT:

Fiscal impact is minimal. Funds are budgeted within the Transportation Department, Street Division's Operating fund for this purpose.

Belock/Gonzalez/AH

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A296-A339.)

MOTION BY STALLINGS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-205: State Water Resources Control Board - Local Match Authorization.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-557) ADOPTED AS RESOLUTION R-293974

Declaring that the Council agrees to the following in return for a zero-percent interest in State Revolving Fund [SRF] Loan for the referenced projects:

1. To contribute the state match share equal to 16.667 percent of the eligible project costs, in an estimated amount of \$2,667,784.
2. To pay an administrative fee not to exceed 0.575 percent of the eligible project cost for the administrative match amount, if requested, by the State Water Resources Control Board [SWRCB], prior to the issuance of the zero-percent interest SRF loan contract, provided that the fee shall be waived by the SWRCB

if sufficient monies to fund the administrative match are available from other sources.

3. To establish a state match account for the project, and deposit sufficient funds, as necessary, to make the state match payments to the contractor(s).
4. To provide the SWRCB, Division of Clean Water Programs [Division], a certification with each progress payment request stating that the appropriate state match amount for the requested payment has been paid to the contractor(s).
5. To provide the Division with copies of the canceled checks documenting payment of the state match amount, on a quarterly basis.

CITY MANAGER SUPPORTING INFORMATION:

On February 22, 2000 the City Council adopted Ordinance Number 0-18781 that identified the City Manager or the Deputy City Manager for Public Works as the CITY's authorized representative to conduct all business related to the SRF loans, and identified a dedicated source of revenue for loan repayment. This Ordinance was provided to the State Water Resources Control Board as part of the necessary requirements to obtain loan contracts for the South Bay Reclamation Sewer and Pump Station, CIP-40-911.3 CP-A (Grove Avenue) - \$10,483,781; South Bay Reclamation Sewer and Pump Station, CP-B (8" and 30" Force Mains) - \$4,520,949; and the Point Loma Maintenance Building Expansion, CIP-45-939.0 - \$1,031,653. The Ordinance was intended to be all inclusive for obtaining authorization to enter into SRF loans. However, State Policy for SRF loans requires that new SRF loans have a resolution passed by the local governing body agreeing to the following match requirements:

(1) The City provide the necessary state match in the amount of \$2,667,784, for three SRF loans for the South Bay Reclamation Sewers and Pump Station CP-A&B, SRF Numbers C-06-4650-110 and C-06-4650-210 and the Point Loma Maintenance Building Expansion C-06-4690-110; (2) Provide state match for administrative fee not to exceed 0.575 percent of the eligible project cost, if requested; (3) Establish a match account for the project and deposit sufficient funds to make state match payments to contractors; (4) Provide certification with progress payments certifying payment has been made to contractor; and (5) Provide copies of canceled checks documenting payments. The City Council passed a similar Resolution Number R-291764 on June 8, 1999 for SRF loans for the Point Loma Digester 7&8, Point Loma Central Boiler Facility and the South Bay Water Reclamation Plant Packages 2 and 3. This resolution simply supplements Ordinance Number 0-18781 to conform to State Policy.

FISCAL IMPACT:

Matching funds are available in South Bay Reclamation Sewer and Pump Station, CIP-40-911.3 in the amount of \$10,483,781 CP-A (Grove Avenue); \$4,520,949; for CP-B (8" and 30" Force Mains) and Point Loma Maintenance Building Expansion Project, CIP-45-939.0 in the sum of \$1,031,653.

Belock/Schlesinger/RE

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A296-A339.)

MOTION BY STALLINGS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-206: Two actions related to the Formation of Proposed City of San Diego Community Facilities District No. 4 (Black Mountain Ranch Villages).

(See City Manager Report CMR-00-204. Subarea I of the North City Future Urbanizing Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-559) ADOPTED AS RESOLUTION R-293975

Resolution of Intention to establish Community Facilities District No. 4 (Black Mountain Ranch Villages), to authorize the Levy of Special Taxes to pay the costs of acquiring or constructing certain facilities and expenses of the District and to pay debt service on bonded indebtedness and approving a purchase and financing agreement.

Subitem-B: (R-2001-560) ADOPTED AS RESOLUTION R-293976

Resolution of Intention to incur bonded indebtedness within Community Facilities
District No. 4 (Black Mountain Ranch Villages).

FILE LOCATION: STRT-CF-4 (58)

COUNCIL ACTION: (Tape location: A296-A339.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Wear. Passed by the
following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Blair-yea,
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-207: Various Underground Utility Districts with Mitigation Monitoring Reporting
Program.

(Grant Hill, Sherman Heights, Greater Golden Hill, Barrio Logan, Otay Mesa-
Nestor, Peninsula and La Jolla Community Areas. Districts-8, 2 and 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-475) ADOPTED AS RESOLUTION R-293977

Calling a public hearing to determine whether the public health, safety, or general
welfare requires the formation of the following Underground Utility Districts: 25th
Street (from Market Street to Commercial Street); B Street (from 19th Street to
30th Street); CCDC Area 3, Phase 1, Job 2; Saturn Boulevard (from Coronado
Avenue to Leon Avenue); Scott Street (900 Block); and Silverado Street (from
Eads Avenue to Ivanhoe Avenue).

Subitem-B: (R-2001-476) ADOPTED AS RESOLUTION R-293978

Certifying that Mitigated Negative Declaration LDR-40-0606 has been completed
in compliance with the California Environmental Quality Act of 1970, as
amended, and State guidelines; that the Mitigated Negative Declaration reflects
the independent judgement of the City of San Diego as Lead Agency; and that the

information contained in the Mitigated Negative Declaration, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the Underground Utility Districts;

Declaring that the Council finds that project revisions now mitigate potentially significant effects in the environment previously identified in the Initial Study and approving said Mitigated Negative Declaration;
Adopting the Mitigation Monitoring and Reporting Program.

CITY MANAGER SUPPORTING INFORMATION:

The proposed districts are identified in CIP-37-028.0, "Annual Allocation - Undergrounding of City Utilities", and will underground the overhead utility facilities in the 25th Street (from Market Street to Commercial Street), B Street (from 19th Street to 30th Street), CCDC Area 3, Phase 1, Job 2, Saturn Boulevard (from Coronado Avenue to Leon Avenue, Scott Street - 900 block, and Silverado (from Eads Avenue to Ivanhoe Avenue) Underground Utility Districts. The formation of these districts will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electrical service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$3,500 per electric service lateral. Reimbursements will also include the cost of modifications to the electrical service box, up to a maximum of \$1,000 for residential conversions and \$1,500 for commercial conversions, when such modifications are needed to receive underground service. Typical costs for service box modifications range from \$300 - \$500. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching, conduit and any needed electric service box modifications.

FISCAL IMPACT:

SDG&E Cost: The construction cost of \$3,982,000 will be financed through the use of San Diego Gas and Electric Company's Annual Allocation Funds as directed by the Public Utilities Commission (Case 8209). The fiscal impact to the City is for the administration and street light replacement. Cost estimated at \$6,000. Funding available in CIP-37-028.0, Undergrounding of City Utilities.

Belock/Boekamp/HR

Aud. Certs. 2100336; 2100338; 2100334; 2100335; 2100337; 2100333.

FILE LOCATION: Subitems A,B: STRT-K-295 (38)

COUNCIL ACTION: (Tape location: A296-A339.)

MOTION BY STALLINGS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-250: Notice of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of The City of San Diego intends to record a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following Subdivision:

SUBDIVISION

Carmel Mountain Ranch Unit 23A-2

COMMUNITY AREA

Carmel Mountain Ranch

The "Notice of Completion and Acceptance of Subdivision Improvement Agreement" shall be recorded with the County Recorder 15 days after this notice appears in the Council Docket or shortly thereafter. If any person wishes to object to the recording of this notice, such person should communicate the objection on or before that date to the Director of Planning and Development Review or to the Subdivision Engineer, 1222 First Avenue (M/S 507), San Diego, CA 92101.

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 6:38 p.m. in honor of the memory of:

Lakiba Nicole Palmer as requested by Mayor Susan Golding.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: G116-126).